

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Neutral

BILL NUMBER: AB 568
AUTHOR: N. Skinner

BILL SUMMARY: Pregnant Inmates and Wards: Least Restrictive Restraint

This bill would prohibit inmates and wards in the custody of the California Department of Corrections and Rehabilitation (CDCR), the Division of Juvenile Justice, and local corrections and juvenile facilities, who are known to be pregnant from being restrained while being moved within a state or local correctional facility, during transport, and time spent outside of the facility to receive medical or dental care, to attend court, or any other appointment, unless deemed necessary for the safety and security of the inmate or ward, the staff, or the public, as specified.

FISCAL SUMMARY

The California Constitution requires the state to reimburse local entities for increased costs associated with any new program or higher level of service imposed by the state on local entities if the Commission on State Mandates determines that the new program or higher level of service is reimbursable and a state mandate. Although implementation of this bill could require local agencies to handle pregnant inmates in a different manner, it is unlikely that this bill would create a reimbursable state-mandated local program because it is intended to clarify best practices for restraining pregnant inmates or wards, rather than imposing new requirements on local correctional facilities.

While the CDCR indicates that it would cost the Corrections Standards Authority (CSA) approximately \$60,000 General Fund to develop and draft regulations consistent with this bill, the Department of Finance believes that these costs would be minor and absorbable within existing resources. Since existing law requires CSA to review its standards biennially and make any appropriate revisions, and this bill states that CSA must consider the provisions of this bill in its biannual review of the standards, Finance would expect CSA to absorb any costs to update regulations within existing resources.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law:

- Prohibits the shackling of pregnant inmates and wards by the wrists or ankles during labor, including during transport to a hospital, during delivery, and while recovering after giving birth.
- Requires pregnant inmates and wards that are taken to a hospital outside the correctional facility be transported in the least restrictive way possible.
- Entitles any female ward the right to summon and receive the services of any physician and surgeon of her choice to determine if she is pregnant, and a determination of the extent of the medical services needed with regard to the pregnancy.
- Requires the CSA to establish minimum standards for local detention facilities.

(Continued)

Analyst/Principal (0236) A. Jarvis	Date	Program Budget Manager Todd Jerue	Date
---------------------------------------	------	--------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
---------------	-----------------------------

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

N. Skinner

Original

AB 568

COMMENTS (continued)

This bill would:

- Prohibit inmates and wards who are known to be pregnant from being shackled by the wrists, ankles, around the abdomen, or to another person, while being moved within a state or local correctional facility, during transport to and from a facility, and time spent outside of the facility to receive medical or dental care, to attend court, or any other appointment, unless deemed necessary for the safety and security of the inmate or ward, the staff, or the public.
- Ensure that in cases where restraints are deemed necessary, the least restrictive means shall be used, consistent with the legitimate security needs of each inmate or ward.
- Require the CSA to develop new standards regarding the shackling of pregnant women, consistent with this bill, as part of the biennial review of its standards.

A similar bill, AB 1900 (Skinner) of the 2009-10 Legislative Session, was vetoed by Governor Schwarzenegger because it would have required the CSA to exceed the scope of its mission, which is to regulate and develop standards for correctional facilities, not establish policies on transportation issues to and from other locations.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
5225/Corr & Rehab	SO	No	-----	No/Minor Fiscal Impact -----					0001
8885/Comm St Mndt	LA	No	-----	See Fiscal Summary -----					0001